

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

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CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

IN RE: § CAUSE NO. 1:13-CV-~~1064~~-LY
§ (1:13-CV-756-LY) DEPUTY (C)
SCC KYLE PARTNERS, LTD., § CASE NO. 12-11978
§ DEBTOR. § CHAPTER 11
WHITNEY BANK, SUCCESSOR BY §
MERGER TO WHITNEY NATIONAL §
BANK, INDIVIDUALLY AND AS §
AGENT FOR CERTAIN PRE-PETITION §
LENDERS, §
APPELLANT, §
V. §
SETON FAMILY OF HOSPITALS, §
D/B/A SETON MEDICAL CENTER HAYS, §
APPELLEES. §

ORDER

Before the court in the above-styled and numbered cause is Appellant Whitney Bank's Unopposed Motion to Consolidate Appeals filed January 30, 2014 (Clerk's Doc. No. 2) and Whitney Bank's Motion to Release Record on Appeal filed January 31, 2014 (Clerk's Doc. No. 3). The court held a hearing on both motions on February 19, 2014. Having reviewed the motions and the records in this cause and cause number 1-13-CV-756-LY, and after considering the arguments of counsel, the court is of the opinion that both motions should be granted.

IT IS THEREFORE ORDERED that Appellant Whitney Bank's Unopposed Motion to Consolidate Appeals filed January 30, 2014 (Clerk's Doc. No. 2) is **GRANTED**.

IT IS FURTHER ORDERED that this case is **CONSOLIDATED** with and into cause number **1-13-CV-756-LY**. From this date forward, this case will proceed as 1-13-CV-756-LY.

IT IS FURTHER ORDERED that Appellant Whitney Bank's Motion to Release Record on Appeal filed January 31, 2014 (Clerk's Doc. No. 3) is **GRANTED** to the extent that the Clerk of the Court is hereby authorized to release the two Exhibit binders transmitted by the Bankruptcy Court as a part of the record on appeal in this case. The Exhibit binders may be checked out from the Clerk of the Court by any party to this cause. The Exhibit binders shall be returned, fully intact, to the Clerk of the Court no later than Monday, March 21, 2014.

IT IS FURTHER ORDERED that Appellant Whitney Bank may file supplemental briefing in this cause no later than March 21, 2014. Responsive briefing, if any, shall be filed no later than April 4, 2014. All briefing shall comply with this court's Local Rules.

IT IS FINALLY ORDERED that this cause is **SET** for supplemental argument on **Tuesday, April 22, 2014, at 3:00 p.m.**, in Courtroom 7, Seventh Floor, United States Courthouse, 501 West 5th Street, Austin, Texas. Each side will be allowed twenty minutes for argument.

SIGNED this 19th day of February, 2014.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE